IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

WP(C).No. 15589 of 2006(S)

AGAINST THE ORDER DATED 14/02/2006 IN RA NO. 2/2006 IN OA.466/2003 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
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PETITIONERS:
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1. **K. PRABHAKARAN UNNI, (AEE (QS & C))**
   O/O THE CHIEF ENGINEER, NW, KOCHI.

2. **P.N. VIJAYAN, ASW (AEE (QS & C)**
   O/O. THE CWE (NW) GOA.

3. **I.G. KRISHNAMOORTHY, ASW (AEE (QS & C))**
   O/O. CHIEF ENGINEER NAVY, MUMBAI.

4. **N.K. RAJPAL, ASW (AEE OS & C)**
   O/O. CWE, BIKANER.

BY ADV. SRI.M.K.DAMODARAN (SR.)
SRI.P.K.VIJAYAMOHANAN
SMT.RESMI G. NAIR

RESPONDENTS:
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1. **UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF DEFENCE, SOUTH BLOCK, NEW DELHI-110 002.**

2. **UNION PUBLIC SERVICE COMMISSION REP. BY ITS SECRETARY, DHOLPUR HOUSE, SHAHAJAHAN ROAD, NEW DELHI-110 011.**

3. **ENGINEER-IN-CHIEF, ARMY HEAD QUARTERS, KASHMIR HOUSE, DHQ.P.O., NEW DELHI-110 011.**

4. CHIEF ENGINEER, SOUTHERN COMMAND, PUNE-1.

5. CHIEF ENGINEER (NW), KATARIBAGH, NAVAL BASE P.O., KOCHI-682 004.

6. CHIEF ENGINEER (R & D) PICKET, SECUNDERABAD-3.

7. GARRISON ENGINEER (I) E/M (NW) KATARIBAGH, NAVAL BASE P.O., KOCHI-682 004.

8. GARRISON ENGINEER (I) R/D, THRIKKAKARA P.O., KOCHI-682 021.

9. MES 124302 SRI.V.I. SADANANDAN, ASSISTANT ENGINEER (QS & C), GARRISON ENGINEER (I) E/M (NW), KOCHI-682 004.

10. MES 111600 SRI.K.V.JAMES, ASSISTANT ENGINEER (QS & C), GARRISON ENGINEER (I) R&I, KOCHI-682 021.

BY ADV. SRI.C.P.SAJI - R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 15589/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER DT. 24/1/2005 IN MA NO. 7/05 IN OA NO. 466/03 OF THE CAT.

EXT.P2. COPY OF THE JUDGMENT DT. 2/6/05 IN WPC NO. 3952/2005 OF THIS COURT.

EXT.P3. COPY OF THE REPLY STATEMENT FILED BY RESPONDENTS 1 TO 8 IN THE UNAMENDED ORIGINAL APPLICATION NO. 466/03.

EXT.P4. COPY OF THE REPLY STATEMENT DT. 24/09/2004 FILED BY THE R9 IN THE O.A.

EXT.P5. COPY OF THE AMENDED ORIGINAL APPLICATION NO. 466/03 WITH ANNEXURES.

EXT.P6. COPY OF THE COMMUNICATION DT. 8/1/2003 FROM THE UPSC.

EXT.P6A. COPY OF THE REPLY STATEMENT OF THE R3 IN OA NO. 952/2003.

EXT.P7. COPY OF THE ORDER DT. 22/12/2005 IN OA NO. 466/03 OF THE CAT, ERNAKULAM.

EXT.P8. COPY OF THE JUDGMENT DT. 1/6/05 IN TRANSFERRED APPLICATION NO. 271/JK/03 OF THE CHANDIGARH BENCH OF THE CAT.

EXT.P9. COPY OF THE REVIEW APPLICATION, R.A. NO. 2/2006 IN OA NO. 466/2003.

EXT.P10. COPY OF THE ORDER DT. 14/2/2006 IN RA NO. 2/2006 IN O.A. NO. 466/2003 OF THE CAT, ERNAKULAM BENCH.

EXT.P11. COPY OF THE COMMUNICATION NO. 93296/E2/(WPC) 5008/D W-II DT. 28/5/96 WITH ITS APPENDIX FROM THE GOVT. OF INDIA TO THE OF THE ARMY STAFF.

EXT.P12. COPY OF THE ORDER NO. A/0057/SANCTION/EST. E2/(S&C)/1/ DATED 12/06/98 FROM THE ADDITIONAL CHIEF ENGINEER, ARMY HEADQUARTERS TO THE CHIEF ENGINEER HEAD QUARTERS WESTERN END.

EXT.P13. COPY OF THE PROCEEDINGS NO. A/41033/1/89/EIR(O) DATED 7/3/90 OF THE CO-ORDINATION AND PERSONNEL DIRECTORATE, ARMY HEADQUARTERS.

EXT.P14. COPY OF THE PROCEEDINGS NO. A/41033/1/89/EIR(O) DT. 8/3/90 OF THE CO-ORDINATION AND PERSONNEL DIRECTORATE ARMY HEADQUARTERS.

EXT.P15. COPY OF THE ORDER NO. A/41033/1/91/EIR(O)/482-S/D/AP[TS DT. 13/11/91 OF THE GOVT. OF INDIA, MINISTERY OF DEFENCE.

EXT.P16. COPY OF THE NOTIFICATION SRO 19 E DT. 31/07/89 OF THE MINISTRY OF DEFENCE.

EXT.P17. COPY OF THE APPLICATION IN THE FORMAT UNDER THE RIGHT TO INFORMATION ACT, 2005 AND ITS REPLY FROM THE DREICTORATE GENERAL OF PERSONNEL ENGINEER IN CHIEF.

EXT.P18. COPY OF THE ORDER NO. A/41033/ASW/95-96/EIR(O) DT. 3/5/95 OF THE ARMY HEADQUARTERS PUBLHSING THE GRADATION LIST OF ASSISTANT SURVEYOR OF WORKS .

EXT.P19. COPY OF THE GRADATION LIST OF SURVEYOR OF WORKS PUBLISHED VIDE ORDER NO. A/41031/SW/96-97/EIR(O) DT. 14/2/96.

RESPONDENT'S EXHIBITS

EXT.R9.A COPY OF THE JUDGMENT BY THIS COURT IN WPC NO. 191/2006, WPC 129/2006 AND ORDER DT. 3RD AUG, 2006.

EXT.R9.B. COPY OF THE SPEAKING ORDER OF THE R3 DT. 9/7/02.

EXT.R9C. COPY OF THE SPEAKING ORDER OF THE R3 TO APPLICANT IN OA NO. 802/2001 DT. 27/11/2002.

EXT.R9D. COPY OF THE RELY STATEMENT BY THE R3 TO R8 IN OA NO. 466/2003.

EXT.R9E. COPY OF THE ADDITIONAL REPLY STATEMENT FILED BY THE R3 TO R8 DT. 12/4/04.

EXT.R9F. COPY OF THE ABOVE LETTER OF THE R3 TO THE SECRETARY UNION PSC (R2).

EXT.R9G. COPY OF THE ORDER DT. 27/08/2002 IN MA NO. 808/2002 IN OA NO. 802/2001.

EXT.R9H. COPY OF THE REJOINDER FILED BY THE R9 AND R10 TO THE REPLY STATEMTN OF SRI. T.K. RAGHUNATHAN IN OA NO. 466/03.

EXT.R9(I). COPY OF THE REPLY STATEMENT FILED BY THE R3 IN CPC NO. 78/002 IN OA NO. 802/2001 DT. 10/1/2003.

True copy

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K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.15589 of 2006-S

Judgment

Balakrishnan Nair, J.

In this Writ Petition, the petitioners challenge Ext.P7 order of the Central Administrative Tribunal and also the order passed by the said Tribunal on the review application filed seeking review of that Judgment, which was disposed of by Ext.P10. Now, it is common case that the impugned Judgment Ext.P7 of the CAT has already been upheld by this Court in the common Judgment in Writ Petition (C) Nos.129, 191 and 5846 of 2006. Copy of the said Judgment is available as part of the records in this case as Ext.R9(a). The learned counsel for the petitioners herein submitted that they are only aggrieved by certain directions issued in para 3 of the said Judgment. We are not competent to modify the orders of the Division Bench of this Court mentioned above. Confronted with the position, the learned Senior counsel for the petitioners Shri.M.K.Damodaran submitted that they propose to file a review application in Ext.R9(a) Judgment. In view of the above position, the Writ Petition is closed without prejudice to the contentions of the petitioner.

K.BALAKRISHNAN NAIR,JUDGE

27.09.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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